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The Honorable Jon Tester
United States Senate
Washington, D.C. 20510-2604

Dear Senator Tester:

Thank you for your letter of July 25, 2011, regarding your concems about surface water quality and other potential pathways of exposure associated with the Libby Asbestos Superfund Site (the Site) in Libby, Montana. 1 share your concems regarding protecting human health and the environment in Libby and appreciate this opportunity to describe die EPA's current and planned activities to address these issues. The EPA is committed to working with the people of Libby over the long term to address the significant environmental challenges facing their community. And I am committed to working with you and other Members of the Montana congressional delegation to continually improve our work in Libby and our outreach to its citizens.

You raised a number of general and specific questions in your letter regarding surface water quality, potable water testing, and whether other sources of potential exposure might exist within the Libby community. You also requested that the EPA provide a list of all future testing it intends to conduct, in order to ensure that we have a clear picture of the scope of the problems in Libby. 1 have provided below answers to your questions, plus additional information about the EPA's ongoing activities to address risks and reduce exposures in the community.

1. What is the level of asbestos contamination in Rainy Creek? Is this monitored and/or regulated?

   Response: The EPA is currently conducting a remedial investigation related to the abandoned vermiculite mine, also identified as Operable Unit 3 of the Site. As part of this investigation, the EPA has been evaluating asbestos levels in Rainy Creek for both environmental and human health impacts since 2007. The 276 million fibers per liter level reported to the Lincoln County Commissioners on July 13, 2011, was the highest level measured in lower Rainy Creek at that time using the EPA's specific sampling and analysis methods for Operable Unit 3. It is important to note that the EPA's method is designed to evaluate the highest potential exposure to all asbestos fibers in the water and differs from the method used to evaluate compliance with Maximum Contaminant Levels established under the Safe Drinking Water Act. The EPA has conducted concurrent analyses of the samples in lower Rainy Creek using the Safe Drinking Water Act method and Operable Unit 3-specific method, and in all instances, the Safe Drinking Water Act method results in significantly lower levels. Specifically, the 276 million fibers per

liter sample result reported in July was measured at 55 million fibers per liter using the Safe Drinking Water Act method.

Regarding whether the Rainy Creek watershed is regulated under the Safe Drinking Water Act or other environmental statutes, this is a somewhat complex issue. The EPA and the state of Montana Department of Environmental Quality are working to clarify the specific use designations and corresponding water quality standards that apply to Rainy Creek. At this time, the EPA and the Montana Department of Environmental Quality are evaluating the water quality in Rainy Creek relative to the state's numeric surface water standards for protection of agricultural and industrial use, plus protection of drinking water. There are no surface water standards for asbestos for protection of aquatic receptors, and the drinking water Maximum Contaminant Level is 7 million fibers per liter. It is important to note that, due to the road closure on the mine access road, there is limited public access to Rainy Creek, and no one currently is using it as a drinking water source.

2. What are the human health and ecological impacts of this contamination? Is a fish consumption warning warranted?

Response: The EPA is evaluating potential human health risks associated with asbestos exposure in Operable Unit 3 including Rainy Creek. Inhalation is the primary route of exposure of concern for asbestos for humans, and ingestion of asbestos is considered to be a minor route of exposure. There are no toxicity values available in the EPA's Integrated Risk Information System to evaluate potential human health risks from asbestos fiber ingestion, rather only from the inhalation of fibers. At this time, the EPA has not collected any data on the presence or concentration of Libby Amphibole asbestos fibers in fish tissue from fish harvested from either Rainy Creek or the Kootenai River. The EPA is currently investigating potential approaches to evaluating this route of exposure.

The EPA has established a Maximum Contaminant Level for asbestos in drinking water of 7 million fibers per liter for public drinking water systems. This standard is based on the increased risk of developing benign intestinal polyps for people who drink water containing asbestos in excess of the Maximum Contaminant Level. As stated above, there is limited access to Rainy Creek, and no one is using it as a drinking water source. In addition the EPA has taken nine surface water samples in the Kootenai River near the confluence of Rainy Creek, and only two of these samples had detections using the Safe Drinking Water Act method at 0.1 million fibers per liter, which is well below the Maximum Contaminant Level of 7 million fibers per liter.

In addition to human health risks, the EPA has been working to identify the potential risks that Libby Amphibole asbestos in Rainy Creek may pose to aquatic organisms living in this drainage. Specifically, the EPA is working to develop methods for evaluating the toxicological effects of Libby Amphibole asbestos on organisms in surface water. At the same time, the EPA has collected field data and other types of evidence to determine the potential risk to organisms in Rainy Creek. As is the case for much of the work that the EPA is doing in Libby, there are no existing methods for testing the effects of Libby Amphibole asbestos on these organisms, but we are continuing our efforts to complete this assessment.

Since the EPA has not yet completed its evaluation of human health and ecological risks at Operable Unit 3, and there are no known exposures in excess of applicable regulatory standards resulting from the surface water draining the area, the EPA does not have a basis at this time for taking an immediate action regarding surface water at Operable Unit 3 to protect human health or the environment. The EPA will continue to collect surface water data and additional information in the Rainy Creek watershed to evaluate potential exposures to humans and to ecological receptors through this pathway. This information will be used for remedial action decisions regarding long-term cleanup of this area. In the interim, the EPA is working with W.R. Grace to design and implement actions at the former vermiculite mine site to stabilize soils, reduce infiltration through waste rock piles, and mitigate contaminant movement into the upper portions of the watershed. These actions are in the early stages of development and are being integrated into other activities the company is required to implement under Montana regulations.

3. Will the EPA test for potential contamination of potable water?

Response: In addition to the sampling conducted in Rainy Creek discussed above, the EPA has collected a limited number of samples from the Kootenai River, which may be used as a drinking water source. These samples were collected for two separate purposes. A portion of the samples was collected for purposes of evaluating the impact of Libby Amphibole asbestos in Rainy Creek on the Kootenai River, and a portion of them was collected for evaluating the quality of water being used on our residential removal projects in Libby. The results for the former group of samples were discussed above and were all well below the Maximum Contaminant Level. The results for the latter group of samples, which were from water drawn from the City's water supply pump in Riverfront Park, were all non-detect for Libby Amphibole asbestos. The EPA is continuing to monitor the quality of this water at various points in the residential removal process. The City's potable water source and drinking water treatment plant are located on Flower Creek, which is on the opposite side of the valley from the former vermiculite mine. The City is required to periodically test their water delivered into the public drinking water supply system for asbestos and has not reported any exceedances of the Maximum Contaminant Level.

4. Are fishermen and other river users at risk?

Response: The EPA consulted with the Center for Asbestos Related Disease in Libby, Montana, concerning your question whether fishermen experienced early cases of asbestosis. While the Center for Asbestos Related Disease has identified non-Libby residents who were recreational fishermen in the Libby area and who contracted asbestos related diseases, their opinion is that their diseases were related to airborne asbestos exposure from the mining operations close to where these individuals fished, rather than from exposures related to the river or to fish ingestion.

The EPA is evaluating the need to collect additional surface water and sediment samples in the Libby Creek watershed and the Kootenai River, for purposes of evaluating potential exposures and risks to human health or to ecological receptors. The final risk assessment for Operable Unit 3 will incorporate all of these data and will help provide a basis for determining whether any additional cleanup actions related to the Libby Creek watershed and the Kootenai River are warranted.

5. Where else could there be asbestos contamination, and what is EPA's plan for thorough testing of these sites? How long unfil testing will provide a clear picture of the scope of the problem and risk?

   Response: Your questions encompass some of the most challenging aspects of the EPA's work at the Site. The contaminant, Libby Amphibole asbestos, is unique with respect to the multitude of potential pathways of exposure in the community and, according to the EPA's draft toxicity benchmark for non-cancer effects, is potentially toxic at very low doses. The EPA is evaluating each of these pathways as they are identified and, in many cases, is developing precedent setting methods for evaluating exposures and potential health impacts. The EPA is communicating all of this information to the community, as quickly as it has been verified and deemed credible.

With respect to the EPA's remarks at the July 13, 2011, Lincoln County Commissioners meeting, I regret that comments from EPA staff were perceived as flippant. We certainly did not intend them to be so understood, and we certainly did not intend to show disrespect to the Commissioners or to the community. The EPA has made significant efforts to provide the community with a range of best management practices to reduce their exposures to asbestos. We take our responsibility to protect human health and the environment quite seriously in Libby. The EPA will continue to refine our communications with the community including the local elected officials, to present information in a practical and meaningful fashion.

In summary, I entirely agree with your assessment that the situation in Libby is complex and requires consideration of additional precautions. I hope this information better explains the range of water quality issues at the Libby Asbestos Superfund Site and the actions the EPA is taking to address those issues. If you or your staff would like additional information, please contact me or Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or at fells.sandy@epa.gov.

Sincerely,

James B. Martin
Regional Administrator